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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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| Proceeding | 92055269 |
| Party | Plaintiff Mango's Tropical Cafe, Inc. |
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Mango's Tropical Cafe, Inc.,
Petitioner,

v.

Tango Mango, Inc.,
Registrant.

Cancellation No.: 92055269
Registration No.: 3,328,822
Mark: **TANGO MANGO**
Registration Date: November 6, 2007

JOINT STIPULATION OF FACTS

Pursuant to the Parties' Joint Stipulation to Participate in the Board's Accelerated Case Resolution Process, granted by the Board on June 12, 2014, the Parties submit the following Joint Stipulation of Facts. (*See* Dkts. 35 and 36, respectively).

1. The petitioner, Mango's Tropical Café, LLC, f/k/a Mango's Tropical Café, Inc. (the "Petitioner") is the owner of the following Registrations (collectively the "Petitioner's Marks"):

a. Registration No. 4,190,731 for the mark MANGO'S, in standard characters, for "nightclub services" in International Class 41 and "restaurant and bar services" in International Class 43. Registration No. 4,190,731 was filed on January 11, 2012, claiming March 1991 as both the date of first use and the date of first use in commerce for both International Classes. Registration No. 4,190,731 was registered on August 14, 2012.

b. Registration No. 4,224,643 for the mark MANGO'S TROPICAL CAFE, in standard characters for "nightclub services" in International Class 41 and "restaurant and bar services" in International Class 43. Registration No. 4,224,643 was filed on December 22, 2011, claiming March 1991 as both the date of first use and the date of first use in commerce for both International Classes. Registration No. 4,224,643 was registered on October 16, 2012.

c. Registration No. 3,284,057 for the mark MANGO'S TROPICAL CAFE and Design, reproduced below, of a parrot, four coconut palm fronds, and two coconuts centered in a circle which has two short parallel lines extending outward from both the top left and lower right quadrants of the circle. The word "MANGO'S" is centered above the circle, and the words "TROPICAL CAFE" are centered below the circle. The words "TROPICAL CAFE" are set off by two parallel lines, one above and one below these words. Registration No. 3,284,057 is for "restaurant and bar services" in International Class 42. Registration No. 3,284,057 was filed on November 1, 2000, claiming March 1991 as both the date of first use and the date of first use in commerce. Registration No. 3,284,057 was registered on August 28, 2007.



d. Registration No. 3,108,906 for the mark MANGO'S MAMBO BAR and Design of a parrot with leaves behind it and one drum on each side, reproduced below, for "restaurant and bar services" in International Class 43. Registration No. 3,108,906 was filed on January 6, 2005, claiming December 1, 1997, as both the date of first use and the date of first use in commerce. Registration No. 3,108,906 was registered on June 27, 2006.



e. Registration No. 3,700,648 for the mark MANGO'S TROPICAL CAFE and Design, reproduced below, of a parrot, four coconut palm fronds, and two coconuts centered in a circle which has two short parallel lines extending outward from both the top left and lower right quadrants of the circle. The word "MANGO'S" is centered above the circle, and the words "TROPICAL CAFE" are centered below the circle. The words "TROPICAL CAFE" are set off by two parallel lines, one above and one below these words. Registration No. 3,700,648 is for “clothing, namely, infant’s and children’s underwear and bodysuits, t-shirts, sweatshirts, pants, sweatpants, shorts, tank-tops, halter tops, hats, jackets, shirts and sleepwear” in International Class 25. Registration No. 3,700,648 was filed on November 1, 2000, claiming January 1997 as both the date of first use and the date of first use in commerce. Registration No. 3,700,648 was registered on October 27, 2009.



f. Registration No. 3,512,984 for the mark MANGO'S TROPICAL CAFE and Design, reproduced below, of a parrot, four coconut palm fronds, and two coconuts centered in a circle which has two short parallel lines extending outward from both the top left and lower right quadrants of the circle. The word "MANGO'S" is centered above the circle, and the words "TROPICAL CAFE" are centered below the circle. The words "TROPICAL CAFE" are set off by two parallel lines, one above and one below these words. Registration No. 3,512,984 is for “prepackaged foods, namely, entrees consisting primarily of poultry” in International Class 29, “computer services, namely, providing a website featuring entertainment information via a global computer network, namely, concert information, nightlife information, and entertainment information about music, singing, dancing, music

videos” in International Class 41. Registration No. 3,512,984 was filed on October 25, 2000, claiming April 2, 2007 as both the date of first use and the date of first use in commerce for International Class 29 and March 1, 1994 and March 15, 1995 as the respective date of first use and the date of first use in commerce for International Class 41. Registration No. 3,512,984 was registered on October 7, 2008.



g. Registration No. 3,649,192 for the mark MANGO’S TROPICAL CAFE and Design, reproduced below, of a parrot, four coconut palm fronds, and two coconuts centered in a circle which has two short parallel lines extending outward from both the top left and lower right quadrants of the circle. The word "MANGO'S" is centered above the circle, and the words "TROPICAL CAFE" are centered below the circle. The words "TROPICAL CAFE" are set off by two parallel lines, one above and one below these words. Registration No. 3,649,192 is for “metal key chains” in International Class 6, “postcards, greeting cards, calendars and pens” in International Class 16, “towels” in International Class 24, “bottled drinking water” in International Class 32, “smoker’s articles, namely, cigars, cigar cutters, cigarette lighters not of precious metal, and cigar boxes of non-precious metal” in International Class 34. Registration No. 3,649,192 was filed on November 1, 2000, claiming January 1997 as both the date of first use and the date of first use in commerce for International Classes 6, 16, 24, and 34, and August 1997 as both the date of first use and the date of first use in commerce for International Class 32. Registration No. 3,649,192 was registered on July 7, 2009.



2. Two of the Petitioner's Marks, Registration Nos. 4,190,731 and 4,224,643, were filed after the Registrant's Mark issued. Neither of the Petitioner's new applications received a refusal to register due to the Registrant's Mark.

3. The respondent, Tango Mango, Inc. (the "Respondent") is the owner of Registration No. 3,328,822 for the mark TANGO MANO, in standard characters, for "carry-out restaurants; restaurant services; restaurants; take-out restaurant services" in International Class 43 (the "Respondent's Mark"). Registration No. 3,328,822 was filed on February 23, 2007, claiming July 25, 2005 as both the date of first use and the date of first use in commerce. Registration No. 3,328,822 was registered on November 6, 2007, a Section 8 Affidavit for the Registration was accepted November 6, 2013.

4. The Registrant's Mark was allowed by the Patent and Trademark Office without a single office action. In the prosecution of the Registrant's Mark there was no reference to any of the Petitioner's Marks.

5. The underlying application of the Registrant's Mark was filed by Tango Mango, Inc., a Massachusetts corporation, on February 23, 2007.

6. Prior to the issuance of the subject registration, an entity identified as Tango Mango, LLC assigned all rights, title, and interest in the underlying application to Knightspin, LLC. The assignment was executed on September 24, 2007 and was recorded with the

USPTO's Assignment Branch on November 8, 2007 (two days after the subject registration issued).

7. The subject registration was then assigned back to Tango Mango, LLC by Knightspin LLC via a *nunc pro tunc* assignment effective September 20, 2010. This *nunc pro tunc* assignment was executed on April 30, 2012 and recorded with the USPTO's Assignment Branch on May 3, 2012.

8. A corrective assignment was executed on April 30, 2012 and recorded on November 6, 2013 confirming that the previous *nunc pro tunc* assignment from Knightspin LLC to Tango Mango, LLC was in error and that the receiving party should have been identified as Tango Mango, Inc. and not Tango Mango, LLC.

9. A corrective assignment was executed on June 2, 2014, and recorded on June 2, 2014, confirming that the previous assignment of September 24, 2007, from Tango Mango, LLC to Knightspin, LLC was in error and the conveying party should have been identified as Tango Mango, Inc. and not Tango Mango, LLC.

Respectfully submitted,

October 17, 2014
Date

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October 16, 2014
Date

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